

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 25 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

HSBC BANK USA, NATIONAL
ASSOCIATION, as Trustee for ACE
Securities Corp. Home Equity Loan Trust,
Series 2006-OP2,

Plaintiff-Appellant,

v.

3645 JULIA WALDENE ST. TRUST; et al.,

Defendants-Appellees.

No. 19-16024

D.C. No.

2:17-cv-01565-JAD-VCF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Jennifer A. Dorsey, District Judge, Presiding

Submitted April 21, 2022**
San Francisco, California

Before: IKUTA and HURWITZ, Circuit Judges, and TAGLE,*** District Judge.

Having considered the parties' supplemental briefs, we vacate the judgment

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Hilda G. Tagle, United States District Judge for the Southern District of Texas, sitting by designation.

of the district court and remand for further proceedings to allow the district court to address in the first instance the relevance of *U.S. Bank, N.A. v. Thunder Properties, Inc.*, 503 P.3d 299 (Nev. 2022), to this matter. The parties should also address any other arguments they may have, whether raised in the supplemental briefs or otherwise, to the district court in the first instance.

VACATED AND REMANDED. Each party to bear its own costs.